

ASSEMBLY, No. 4182

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED FEBRUARY 12, 2015

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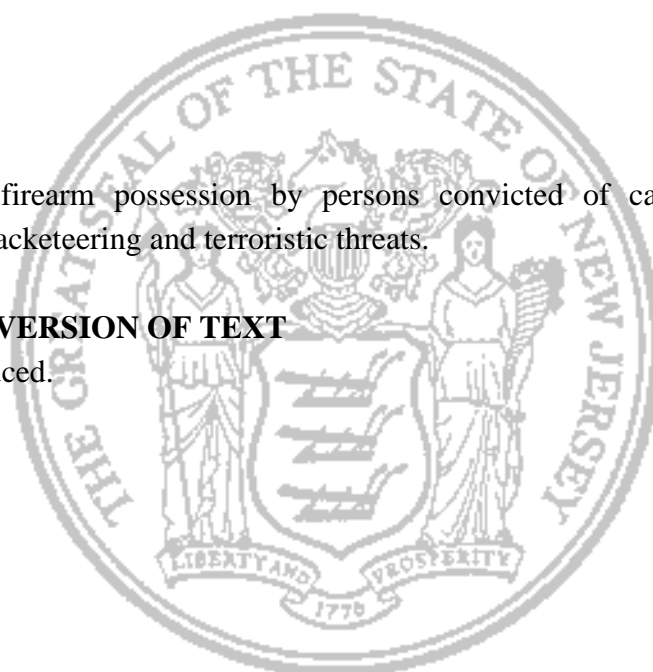
Assemblyman Johnson, Senators Beck, Gordon and Greenstein

SYNOPSIS

Prohibits firearm possession by persons convicted of carjacking, gang criminality, racketeering and terroristic threats.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2016)

1 AN ACT concerning possession of a firearm and amending
2 P.L.1979, c.179.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 6 of P.L.1979, c.179 (C.2C:39-7) is amended to read
8 as follows:

9 6. Certain Persons Not to Have Weapons.

10 a. Except as provided in subsection b. of this section, any
11 person, having been convicted in this State or elsewhere of the
12 crime of aggravated assault, arson, burglary, escape, extortion,
13 homicide, kidnapping, robbery, aggravated sexual assault, sexual
14 assault, bias intimidation in violation of N.J.S.2C:16-1 or
15 endangering the welfare of a child pursuant to N.J.S.2C:24-4,
16 whether or not armed with or having in his possession any weapon
17 enumerated in subsection r. of N.J.S.2C:39-1, or any person
18 convicted of a crime pursuant to the provisions of N.J.S.2C:39-3,
19 N.J.S.2C:39-4 or N.J.S.2C:39-9, or any person who has ever been
20 committed for a mental disorder to any hospital, mental institution
21 or sanitarium unless he possesses a certificate of a medical doctor
22 or psychiatrist licensed to practice in New Jersey or other
23 satisfactory proof that he is no longer suffering from a mental
24 disorder which interferes with or handicaps him in the handling of a
25 firearm, or any person who has been convicted of other than a
26 disorderly persons or petty disorderly persons offense for the
27 unlawful use, possession or sale of a controlled dangerous
28 substance as defined in N.J.S.2C:35-2 who purchases, owns,
29 possesses or controls any of the said weapons is guilty of a crime of
30 the fourth degree.

31 b. (1) A person having been convicted in this State or
32 elsewhere of the crime of aggravated assault, arson, burglary,
33 escape, extortion, homicide, kidnapping, robbery, aggravated sexual
34 assault, sexual assault, bias intimidation in violation of
35 N.J.S.2C:16-1, endangering the welfare of a child pursuant to
36 N.J.S.2C:24-4, stalking pursuant to P.L.1992, c.209 (C.2C:12-10)
37 or a crime involving domestic violence as defined in section 3 of
38 P.L.1991, c.261 (C.2C:25-19), whether or not armed with or having
39 in his possession a weapon enumerated in subsection r. of
40 N.J.S.2C:39-1, carjacking in violation of section 1 of P.L.1993,
41 c.221 (C.2C:15-2), gang criminality in violation of section 1 of
42 P.L.2007, c.341 (C.2C:33-29), racketeering in violation of
43 N.J.S.2C:41-2, terroristic threats in violation of N.J.S.2C:12-3 or a
44 person having been convicted of a crime pursuant to the provisions
45 of N.J.S.2C:35-3 through N.J.S.2C:35-6, inclusive; section 1 of
46 P.L.1987, c.101 (C.2C:35-7); N.J.S.2C:35-11; N.J.S.2C:39-3;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 N.J.S.2C:39-4; or N.J.S.2C:39-9 who purchases, owns, possesses or
2 controls a firearm is guilty of a crime of the second degree and
3 upon conviction thereof, the person shall be sentenced to a term of
4 imprisonment by the court. The term of imprisonment shall include
5 the imposition of a minimum term, which shall be fixed at five
6 years, during which the defendant shall be ineligible for parole. If
7 the defendant is sentenced to an extended term of imprisonment
8 pursuant to N.J.S.2C:43-7, the extended term of imprisonment shall
9 include the imposition of a minimum term, which shall be fixed at,
10 or between, one-third and one-half of the sentence imposed by the
11 court or five years, whichever is greater, during which the
12 defendant shall be ineligible for parole.

13 (2) A person having been convicted in this State or elsewhere of
14 a disorderly persons offense involving domestic violence, whether
15 or not armed with or having in his possession a weapon enumerated
16 in subsection r. of N.J.S.2C:39-1, who purchases, owns, possesses
17 or controls a firearm is guilty of a crime of the third degree.

18 (3) A person whose firearm is seized pursuant to the "Prevention
19 of Domestic Violence Act of 1991," P.L.1991,c.261 (C.2C:25-17 et
20 seq.) and whose firearm has not been returned, or who is subject to
21 a court order prohibiting the possession of firearms issued pursuant
22 to the "Prevention of Domestic Violence Act of 1991,"
23 P.L.1991,c.261 (C.2C:25-17 et seq.) who purchases, owns,
24 possesses or controls a firearm is guilty of a crime of the third
25 degree, except that the provisions of this paragraph shall not apply
26 to any law enforcement officer while actually on duty, or to any
27 member of the Armed Forces of the United States or member of the
28 National Guard while actually on duty or traveling to or from an
29 authorized place of duty.

30 c. Whenever any person shall have been convicted in another
31 state, territory, commonwealth or other jurisdiction of the United
32 States, or any country in the world, in a court of competent
33 jurisdiction, of a crime which in said other jurisdiction or country is
34 comparable to one of the crimes enumerated in subsection a. or b.
35 of this section, then that person shall be subject to the provisions of
36 this section.

37 (cf: P.L.2003, c.277, s.3)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill would prohibit persons who have been convicted of
45 carjacking, gang criminality, racketeering and terroristic threats
46 from purchasing or owning a firearm.

47 Current law disqualifies a person who has been convicted of
48 certain serious crimes from purchasing or owning firearms. These

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1 crimes include: aggravated assault; arson; burglary; escape;
2 extortion; homicide; kidnapping; robbery; aggravated sexual
3 assault; sexual assault; bias intimidation; endangering the welfare of
4 a child; stalking; a crime involving domestic violence; certain
5 crimes related to unlawful possession of weapons; and certain
6 crimes related to controlled dangerous substances.

7 Under the law, a person who has been convicted of any of these
8 offenses and who possesses or owns a firearm is guilty of a crime of
9 the second degree. Second degree crimes are punishable by a fine
10 of up to \$150,000, a term of imprisonment of five to 10 years, or
11 both. This bill would provide that a person who has been convicted
12 of carjacking, gang criminality, racketeering and terroristic threats,
13 and who purchases or owns a firearm is also guilty of a crime of the
14 second degree.